



STATE OF WASHINGTON  
DEPARTMENT OF COMMUNITY,  
TRADE AND ECONOMIC DEVELOPMENT

**DEVELOPMENT REGULATIONS CHECKLIST**  
**A Technical Assistance Tool From Growth Management Services**

**Name and address of city or county:**

**Staff contact, phone, and e-mail address:**

**Instructions:**

This checklist is intended to help jurisdictions conduct the process of updating their development regulations, as required by RCW 36.70A.130(4). Jurisdictions are encouraged, but not required, to use the checklist as a review tool and return it to Growth Management Services (GMS). This checklist is for local governments with a full set of requirements under the Growth Management Act (GMA), not for those planning for resource lands and critical areas only.

Note: **Bold items are a GMA requirement.** Other items may be requirements of other state or federal laws, best practices, or other ideas to consider. **Highlighted items** are links to Internet sites.

Submit proposed regulations or amendments to GMS for review 60-days prior to adoption [RCW 36.70A.106(1)]. Adopted items, including a copy of the signed adopting ordinance, are to be submitted to GMS within 10 days of adoption [RCW 36.70A.106(2)]. Submit review items to:

[reviewteam@cted.wa.gov](mailto:reviewteam@cted.wa.gov)

or

Growth Management Services

Attn: Review Team

P.O. Box 42525

Olympia, WA 98504-2525

If you have questions, call GMS at (360) 725-3000.

Note: Grant deliverables need to be sent to the Technical and Financial Assistance Team at [gmsgrants@cted.wa.gov](mailto:gmsgrants@cted.wa.gov).

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**Enclosures to Submit to GMS:**

- ☐ Two copies of proposed regulation or amendment (electronic format encouraged);
- ☐ Outline of the established procedures for the public participation process (completed and scheduled);
- ☐ Outline of State Environmental Policy Act (SEPA) compliance process (enclosing any SEPA documents generated to date and not previously submitted to CTED), including cumulative effect analysis; and
- ☐ For adopted items, include the signed ordinance with the following findings of fact: the public participation opportunities, and for updates, that all regulations have been reviewed, and updated as necessary as per RCW 36.70A.130(4).

**Important Dates:**

Date of planning commission public hearing:

Date of City Council/County Commission (Council) public hearing:

Anticipated date of City Council/County Commission (Council) adoption (must be at least 60 days from date CTED receives notice, unless expedited review is granted).

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<b>1. General Provisions</b> The GMA requires that development regulations be consistent with and implement the comprehensive plan. [RCW 36.70A.030(7) and .040(4)(d) and WAC 365-195-800 and 805]		
a. <b>Do regulations limit amendments to the comprehensive plan to once a year (with statutory exceptions)?</b> [RCW 36.70A.130(2)]	<input type="checkbox"/> Comprehensive plan amendments once a year	
b. <b>Do regulations define emergency for an emergency plan amendment – as referred to in RCW 36.70A.130(2)(b)?</b>	<input type="checkbox"/> Definition of emergency	
c. <b>Do regulations include a docketing process for requesting and considering plan amendments?</b> [RCW 36.70A.130(2)(a) and RCW 36.70A.470).	<input type="checkbox"/> Docketing process	
d. Have provisions been adopted to ensure adequate enforcement of regulations, such as zoning and critical area ordinances (civil or criminal penalties)? [WAC 365-195-805(1)(d)]		
e. <b>Has a process been established for early and continuous public notification and participation in the planning process?</b> [RCW 36.70A.020(11), .035, and .140]	<input type="checkbox"/> Public participation processes	
f. <b>Is there a process to assure that proposed regulatory or administrative actions do not result in an unconstitutional taking of private property?</b> [RCW 36.70A.370] See <i>Attorney General’s Advisory Memorandum: Avoiding Unconstitutional Takings of Private Property</i> for guidance.	<input type="checkbox"/> Process to avoid takings	

<b>2. Regulations for environmental protection</b> are required by RCW 36.70A.060(2) and 36.70A.172(1) and WAC 365-195-900 through 925 and WAC 365-195-825(2). (Guidance can be found in CTED’s <i>Critical Areas Assistance Handbook</i> and WAC 365-190-080.)		
a. <b>Does the critical areas ordinance (CAO) include a purpose statement?</b> Does it clearly state that it is intended to protect the functions and values of critical areas and protect people, public and private property, and natural ecosystems? [RCW 36.70A.172, .020 (10), 040(4)(d), and 060(3)]	<input type="checkbox"/> Purpose statement	
b. <b>Does the CAO, and the process to draft it, include the “best available science” (BAS)?</b> [RCW 36.70A.172] Was the science reviewed documented in the record? If there were deviations from the recommendations of the BAS, the rationale, risk, and measures to mitigate the deviations should also be documented. (The process is described in WAC 365-195-915 and 920.) If specific critical areas are not present, then a review of the science (or mapping) used to make this determination should be noted in the record.	<input type="checkbox"/> BAS documented in the record	
c. Does the CAO include a review process for those proposals that are near critical areas and may be in protected buffers? The CAO should include a required content list of any special reports or habitat management plans needed as part of the review process. The CAO should indicate who is responsible for preparing and reviewing technical reports. Does the CAO define “qualified professional” to ensure technical reports are prepared by experts? (Guidance can be found in the <i>Critical Areas Assistance Handbook</i> .)	<input type="checkbox"/> Process can detect buffer areas <input type="checkbox"/> Technical report contents listed in CAO <input type="checkbox"/> Define qualified professional	
d. Do allowable uses and general exemptions in the CAO	<input type="checkbox"/> Exemptions	

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sufficiently protect existing functions and values of critical areas? Common exemptions include emergencies, remodels that do not further extend into critical areas, surveying, walking, and development that has already completed critical areas review under a previous permit.		
e. Does the CAO allow for “reasonable use” to prevent takings issues if the CAO denies all reasonable use of property? Does this provision limit intrusions into critical areas to the greatest extent possible? [RCW 36.70A.370]	<input type="checkbox"/> Reasonable use	
f. Does the code provide for mitigation sequencing? Sequencing means limiting impacts to critical areas, especially wetlands, by considering the options in the following order: avoiding, minimizing, restoring, compensating, and monitoring. See <i>Critical Areas Assistance Handbook</i> for more guidance.	<input type="checkbox"/> Mitigation sequencing	
g. Will a record of notice be placed on the title of the property affected by critical areas? Is notice provided to adjacent properties that may be impacted by critical area buffers?	<input type="checkbox"/> Notice on title <input type="checkbox"/> Notice to adjacent property owners	
h. Will boundaries of a critical area be clearly marked prior to construction activities? CTED recommends that wetland and habitat buffer boundaries also be permanently signed or identified.	<input type="checkbox"/> Boundaries marked	
i. Are there provisions for performance bonds and maintenance bonds for mitigation activities?	<input type="checkbox"/> Financial assurance	
j. Does the CAO clearly designate all critical areas that might be found within the jurisdiction? WAC 365-190-080 provides guidance on defining or “designating” each of the five critical areas.	<input type="checkbox"/> Definitions for each critical area	
k. <b>Is the definition of wetlands consistent with RCW 36.70A.030(20)?</b> <b>Are wetlands delineated using the state Department of Ecology’s (Ecology) State Wetland Delineation Manual?</b> [RCW 36.70A.175 (NEW in 1995)]  Note: See Ecology’s <a href="#">resources on wetlands</a> for additional assistance on designation and protection.	<input type="checkbox"/> Wetland definition <input type="checkbox"/> Ecology’s wetland delineation manual	
l. Do the CAO provisions for fish and wildlife habitat conservation areas refer to the Department of Fish and Wildlife’s (DFW) Priority Habitats and Species program?  See WAC 365-190-080(5) for more information on specific habitat conservation areas, and factors to consider for their designation and protection and <a href="http://www.wa.gov/wdfw/hab/phspage.htm">http://www.wa.gov/wdfw/hab/phspage.htm</a> for lists of priority habitats and species and associated management recommendations.  Note: Is designation and protection coordinated with adjacent jurisdictions when habitat areas cross jurisdictional boundaries?	<input type="checkbox"/> Consider habitats and species which are especially vulnerable	

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<p>Do regulations for fish and wildlife habitat conservation areas include conservation or protection measures necessary to preserve or enhance anadromous fisheries? [RCW 36.70A.172(1) and WAC 365-195-925]</p> <p>Note 2: See Governor's Salmon Recovery Office, <i>WRIA Plans</i>, and DFW's <i>Stream Habitat Restoration Guidelines</i> and Aquatic Habitat Guidelines.</p> <p>Has the state Department of Natural Resources proposed new stream typing system been considered? WAC 222-16-030 <a href="http://www.dnr.wa.gov/forestpractices/watertyping">http://www.dnr.wa.gov/forestpractices/watertyping</a>.</p>	<input type="checkbox"/> Special consideration for anadromous fisheries	
<p>m. At a minimum, are regulations for frequently flooded areas consistent with the Federal Emergency Management Agency (FEMA) requirements for the National Flood Insurance Program? These areas include floodplains and shorelines, usually including the 100-year flood floodplain and graphically defined by Flood Insurance Rate Maps.</p> <p>Note: CTED encourages also considering the link between flooding and ecological functions and values such as water quality protection through wetland storage, groundwater recharge to critical aquifers that provide potable water as well as stream baseflow during summertime low flow periods, and off-channel feeding and rearing fish and wildlife habitat. This would ensure consistency between all critical areas.</p>	<input type="checkbox"/> Frequently flooded areas consistent with FEMA requirements	
<p>n. Are regulations for Critical aquifer recharge areas consistent with Ecology's <i>Critical Aquifer Recharge Areas (CARAs)</i> guidance? CARAs are areas that supply new water to aquifers that serve as current or potential sources of potable (drinkable) water. Are wellhead zones protected for sole-source aquifers (supplying a portion of public water supplies)? Are hazardous uses restricted in CARA areas?</p>	<input type="checkbox"/> Wellhead protection <input type="checkbox"/> Restricted uses	
<p>o. Are geologically hazardous areas identified, and their use limited? [RCW 36.70A.030(9) and WAC 365-190-080(4)] Geohazard areas are prone to erosion hazards like steep slopes or erosive soils, areas susceptible to seismic hazards such as induced ground shaking, soil liquefaction, and tsunamis, areas at risk impacts from volcanic eruption and related debris flows, stream channel meander hazard areas, and areas subject to differential settlement from coal mines or other subterranean voids. Are critical facilities, such as hospitals and emergency response centers restricted in hazard zones?</p>	<input type="checkbox"/> Restrictions in geohazard areas  <input type="checkbox"/> Critical facilities restricted in hazard zones	

<b>3. Zoning Code</b>	
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a. <b>Are family daycare providers in a residential dwelling [12 or fewer children RCW 74.15.020(f)] allowed in residential or commercial zones?</b> RCW 36.70.450 prohibits discrimination.	<input type="checkbox"/> No discrimination against in-home day cares	
b. <b>Is manufactured housing regulated the same as site built housing?</b> A local government may (1) allow only new manufactured homes, (2) require the manufactured home to be set on a permanent foundation, or (3) require manufactured homes to comply with local design standards applicable to other homes in the neighborhood, but not may discriminate against consumer choice in housing. [RCW 35.21.684, 35.63.160, 35A.21.312 and 36.01.225 and National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401, et reg.)] <b>(NEW REQUIREMENT in 2004)</b>	<input type="checkbox"/> No discrimination against manufactured homes	
c. <b>Are accessory dwelling units allowed in single-family residential areas in cities with populations over 20,000, and counties planning under the GMA, and counties with populations over 125,000?</b> [RCW 36.70A.400 and 43.63A.215(3)]	<input type="checkbox"/> ADUs allowed	
d. <b>Are residential structures occupied by</b> <ul style="list-style-type: none"> <li>• <b>persons with handicaps, and</b></li> <li>• <b>group care for children that meets the definition of “familial status”</b></li> </ul> <b>regulated the same as a similar residential structure occupied by a family or other unrelated individuals?</b> [RCW 36.70A.410, RCW 70.128.140, Washington Laws Against Discrimination, RCW 49.60.222-225; Federal Fair Housing Act, as Amended, 42 USC 3602 et seq., and WAC 365-195-310(k)]	<input type="checkbox"/> No discrimination against group homes	
e. Do regulations allow affordable housing strategies and innovative techniques to promote higher densities within urban growth areas (UGAs)? This is required if a buildable lands analysis shows that such measures are needed. [Buildable lands under RCW 36.70A.215 applies to the 6 counties with 2004 update deadlines]  Examples include: zero lot lines; narrow streets; individual housing with common areas; mixed commercial and residential uses; design standards, planned unit development, clustering, transfer/purchase of development rights, small lot sizes, and inclusionary zoning. [RCW 36.70A.020(2) and RCW 36.70A.070 (2)]		
f. Do parking regulations include minimum and maximum limits to encourage efficient use of land and a multimodal transportation system?		

<b>4. Rural Zoning (Counties Only)</b>		
a. <b>Are there a variety of rural densities?</b> [RCW 36.70A.070(5)(b)]	<input type="checkbox"/> Variety of densities	
b. Is stormwater managed in limited areas of more intense rural	<input type="checkbox"/> LAMIRD regulations	

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development (LAMIRDS)?		
c. Do rural regulations allow innovative techniques such as clustering, density transfer, design guidelines, and conservation easements to accommodate rural uses not characterized by urban growth?		
d. Do regulations include requirements for approval of on-site septic systems by county health department, and provisions for monitoring and maintaining septic systems?		
e. Do regulations include requirements for rural water service consistent with county health department requirements?		

<b>5. Resource Lands</b>		
a. <b>Is zoning consistent with natural resource lands designations in the comprehensive plan?</b> [RCW 36.70A.060(3) and defined in RCW 36.70A.030(2), (8), and (10)]	<input type="checkbox"/> Consistent zoning	
b. <b>Do regulations (including residential density requirements) have the effect of conserving natural resource lands?</b> [RCW 36.70A.060(1)]	<input type="checkbox"/> Regulations Conserve Natural Resource Lands	
c. <b>Are regulations for accessory uses in resource lands consistent with RCW 36.70A.177(3) (NEW in 2004)?</b>	<input type="checkbox"/> Accessory uses	
d. <b>Do regulations include provisions for regulating lands adjacent to natural resource lands to ensure use does not interfere with natural resource production?</b> [RCW 36.70A.060(1)]	<input type="checkbox"/> Adjacent uses	
e. <b>Do regulations include provision for notice on all development permits and plats within 500 feet of designated natural resource lands of activities on nearby natural resource lands and associated commercial activities?</b> [RCW 36.70A.060(1) (AMENDED from 300 to 500 feet in 1998)]	<input type="checkbox"/> Notification	
f. <b>Is there a transfer of development rights (TDR) program for designated forest or agricultural lands inside of UGAs?</b> [RCW 36.70A.060(4)]	<input type="checkbox"/> TDRs	
g. <b>Have jurisdictions assumed authority over Class IV Forest Practices (conversions)?</b> [To be completed by 12/01/05 under RCW 76.09.240] Do regulations equal or exceed State Forest Practice resource protection rules and regulations for these forest practice activities? <b>Have they been approved by Ecology and the state Department of Natural Resources (DNR)?</b>	<input type="checkbox"/> Authority for Class IV Forest Practices  <input type="checkbox"/> Approved by Ecology and DNR	
h. <b>Have mineral lands designation and regulations been reviewed as required by RCW 36.70A.131?</b> See assistance from DNR on resource lands. For more information, contact DNR's Geology Division at (360) 902-1439.	<input type="checkbox"/> Review of mineral lands	
i. Do regulations allow innovative zoning such as residential clusters and large lot zoning, etc. in agricultural lands of long-term significance to conserve lands and encourage the economy? [RCW 36.70A.177(2) (NEW in 1997 and amended 2004)]		

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6. Stormwater Drainage and Water Quality		
<p><b>Do regulations include provisions to ensure water quality and stormwater drainage regulations consistent with Land Use Element policies?</b> [RCW 36.70A.070(1)] Such as:</p> <ul style="list-style-type: none"> <li>i. Stormwater manual consistent with Ecology’s latest manual for Eastern or Western Washington. [RCW 36.70A.070 (1)]</li> <li>ii. Clearing and Grading Ordinance – See CTED’s 2005 <i>Technical Guidance Document for Clearing and Grading in Western Washington</i>.</li> <li>iii. Low Impact Development Ordinance. See PSAT Guidance</li> </ul> <p><b>Do regulations include provisions for corrective action for failing septic systems that pollute waters of the state?</b> [RCW 36.70A.070(1)]</p>	<input type="checkbox"/> Stormwater management  <input type="checkbox"/> Stormwater manual  <input type="checkbox"/> Failing septic systems	

7. Shoreline Master Program		
<p>a. <b>Are zoning designations consistent with Shoreline Master Program (SMP) environmental designations?</b> [RCW 36.70A.480, <b>NEW REQUIREMENT in 2003</b>]</p> <p>Note: SMP regulations for critical areas in shorelines need to be consistent with the critical areas ordinance (CAO) – or at least be provided with an equal level of protection when the SMP is updated. [RCW 36.70A.480, .040(4), and 070]. See Questions and Answers on ESHB 1933 for assistance.</p>	<input type="checkbox"/> SMP-consistent zoning	

8. Subdivision Code		
a. Are subdivision regulations consistent with comprehensive plan policies? [RCW 36.70A.030(7)]	<input type="checkbox"/> Consistency	
b. Are subdivision regulations consistent with supporting an efficient transportation system and other appropriate infrastructure? Are there standards to promote transit and pedestrian-friendly developments, such as pedestrian connections?		
c. Do subdivision regulations encourage urban growth in UGAs and discourage sprawl? [RCW 36.70A.020 (1) and (2)]		
<p>d. <b>Are written findings required establishing adequacy under RCW 58.17.110(c) for:</b></p> <ul style="list-style-type: none"> <li>i. <b>Streets or roads, sidewalks, alleys, other public ways, transit stops, and other features that assure safe walking conditions for students?</b></li> <li>ii. <b>Potable water supplies RCW 19.27.097, sanitary wastes, and drainage ways (stormwater retention and detention)?</b></li> <li>iii. <b>Open spaces, parks and recreation, and playgrounds?</b></li> <li>iv. <b>Schools and school grounds?</b></li> <li>v. Landscaping, street trees, and lighting? [ WAC 365-195-825(4) ]</li> </ul>	<input type="checkbox"/> Written findings of adequacy required for i-iv	
e. Is it a permit requirement that developments connect to sewer		

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when available, or for failing septic systems?		
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<b>9. Impact fees</b>		
a. <b>If impact fees are used, are they administered consistent with RCW 82.02.050 through 100?</b>	<input type="checkbox"/> Impact fees applied consistent with statute	

<b>10. Concurrency And Transportation Demand Management</b>		
b. <b>Is there a concurrency ordinance?</b> The concurrency requirement may or may not be in a separate ordinance, but should include specific language that prohibits development when level of service standards for transportation facilities cannot be met. [RCW 36.70A.070(6)(b), WAC 365-195-510 and WAC 365-195-835]	<input type="checkbox"/> Concurrency ordinance	
c. <b>Do measures exist to maintain levels of service established consistent with comprehensive plan?</b> [RCW 36.70A.070(6)(a)(iii)(B)]	<input type="checkbox"/> Measures to maintain LOS	
d. <b>Are highways of statewide significance (HSS) exempt from the concurrency ordinance?</b> [RCW 36.70A.070(6)(a)(iii)(C)]	<input type="checkbox"/> HSS exempt from the concurrency ordinance	
e. Has the jurisdiction chosen to add other public facilities and services such as water, sewer, or parks to the concurrency list? [WAC 365-195-060(3) and -835]		
f. <b>Are traffic demand management (TDM) requirements consistent with the comprehensive plan?</b> [RCW 36.70A.070(6)(a)(vi)]		
g. <b>Do CTR-affected jurisdictions have a commute trip reduction (CTR) ordinance?</b> [RCW 70.94.521-551]		

<b>11. Siting Essential Public Facilities</b> WAC 365-195-060(4) and -200(13) offer a definition of public services. An urban governmental services definition is offered in WAC 365-195-840. Regulations may be specific to a local jurisdiction, but may be part of county-wide planning policies (CWPPs).		
a. <b>Do regulations or CWPPs include criteria for identifying and siting essential public facilities (EPF)?</b> [RCW 36.70A.200 and .040(4)(d)]	<input type="checkbox"/> EPF criteria	
b. <b>Do regulations or CWPPs include a process for siting EPFs?</b> [RCW 36.70A.200(1)]	<input type="checkbox"/> EPF siting process	
c. <b>Have regulations been reviewed to ensure EPFs facilities are not precluded?</b> [RCW 36.70A.200(2)]	<input type="checkbox"/> No preclusion of EPFs.	
d. Are essential public facilities located outside of known hazardous areas such as earthquake faults, floodplains, and tsunami inundation areas?		

<b>12. Optional Elements</b>		
a. If applicable, are new fully contained communities consistent with comprehensive plan policies and RCW 36.70A. 350?		



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b. If applicable, are master planned resorts consistent with comprehensive plan policies and RCW 36.70A.360 and 362?		
c. If applicable, are major industrial developments and master planned locations outside of UGAs consistent with comprehensive plan policies and RCW 36.70A.365 and 367?		
d. Do regulations include provisions to identify, preserve, and/or monitor historical or archaeological resources?		
e. Are other development regulations needed to implement comprehensive plan?		

<b>13. Project Review Procedures</b>		
<p>a. Do project review processes integrate permit and environmental review? [RCW 36.70A.470, RCW 36.70B and RCW 43.21C]</p> <p>Note: Resources include WAC 197-11 (SEPA Rules), WAC 365-197 (<i>Project Consistency Rule</i>, CTED, 2001), and Ecology's SEPA Handbook <a href="http://www.ecy.wa.gov/programs/sea/sepa/e-review.html">http://www.ecy.wa.gov/programs/sea/sepa/e-review.html</a></p> <p>b. Other items to consider when putting together project permit review procedures are:</p> <ol style="list-style-type: none"> <li>Developing a unified development code that would integrate all permit processes into one chapter as opposed to throughout the zoning chapters.</li> <li>Using a hearing examiner to hold public hearings for quasi-judicial actions.</li> <li>Clarifying the review for permit types (limited administrative, administrative, quasi-judicial, legislative).</li> <li>Clarifying appeal procedures for the different permit types.</li> <li>Adopting SEPA substantive policies.</li> </ol>	<p><input type="checkbox"/> Integrated permit and environmental review</p> <p>Procedures for:</p> <p><input type="checkbox"/> Notice of application</p> <p><input type="checkbox"/> Complete application</p> <p><input type="checkbox"/> One open-record public hearing</p> <p><input type="checkbox"/> Allowing applicants to combine public hearings and decisions for multiple permits</p> <p><input type="checkbox"/> One closed-record appeal</p> <p><input type="checkbox"/> Notice of decision</p> <p><input type="checkbox"/> Decision within 120 days</p>	